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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/550,588

10/19/2005

Otto Weis

WESI, O - 2 PCT

1884

25889 7590 06/22/2007  
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EXAMINER

ADAMS, GREGORY W

ART UNIT

PAPER NUMBER

3652

MAIL DATE

DELIVERY MODE

06/22/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/550,588

Applicant(s)

WEIS, OTTO

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>9/22/05</u> . | 6) <input type="checkbox"/> Other: ____  |

***Information Disclosure Statement***

The information disclosure statement filed Sept. 22, 2005 fails in part to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered. The references DE 197 03 286, DE 298 24 751, WO 00/48937, DE 152 363 & DE 74 28 025 were not submitted by Applicant, either directly or indirectly by the International Office. Thus, they have not been considered.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 lacks a common transition such as —comprising— or —consisting of—. Claim 1 does recite “wherein” in line 5 which the Examiner interprets to separate the preamble from the body of the claim. Appropriate correction is respectfully requested if Applicant does not agree with this interpretation.

Claim 8 requires a storage unit but it isn't clear whether Applicant considers “batteries and oil pressure storage units” as part of the invention or merely intended use examples.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 4, 5, 7, 9, 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dinger et al. (US 5,896,816) in view of Cullom (US 3,783,792).

With respect to claims 1, 2, 4, 5, 7, 9, 10, Dinger et al. discloses a multiple trolley container crane wherein:

- running wheels 10 that can be laterally retracted and extended, and
- an integrated lifting system 27 are disposed on trolleys 10 on trolley tracks 14, with which they support themselves on or next to the trolley tracks 14 and thereby get from the lower to the upper trolley tracks (6, 7) and vice versa.

It is noted that the body of claim 1 does not positively recite structure directed to a container crane. Dinger does not disclose upper and lower trolley tracks. Cullom discloses upper 15 and lower 23 trolley tracks and a trolley that moves therebetween for the purposes of changing the trolley height replacing a conventional overhead crane facilitates that utilize multiple cranes repair of said multiple cranes is easier where there is a lower rail pair that allows the crane to be maintained without interference to the other cranes in operation. C1/L25-65. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the

apparatus of Dinger et al. to include upper and lower tracks, as per the teachings of Cullom, for maintenance without interference to operations.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinger et al. (US 5,896,816) in view of Cullom (US 3,783,792) and Brower (US 4,897,011).

With respect to claim 3, Dinger et al. discloses a lifting system and does not disclose a rack with gear wheel. Brower teaches that a rack with gear wheel is a known alternative to hydraulic hoists given the cost of the latter. C1/L5-20. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the lifting system of Dinger et al. to include a rack with gear wheel, as per the teachings of Brower, as gear racks are a well known alternative to hydraulics.

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinger et al. (US 5,896,816) in view of Cullom (US 3,783,792) and Tax et al. (US 5,931,625).

With respect to claim 6, Dinger et al. does not disclose an extendable power on contact lines along trolley tracks. Tax discloses an extendable power on contact lines along trolley tracks (C7/L47) to supply power necessary for a trolley to traverse a track. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the apparatus of Dinger et al. to include an extendable power on contact lines along trolley tracks, as per the teachings of Tax et al., to power a trolley the length of a track.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dinger et al. (US 5,896,816) in view of Cullom (US 3,783,792) and Ream (US 4,457,403).

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With respect to claim 8, Dinger discloses a storage unit and an oil pressure storage unit and does not disclose a battery. Ream discloses a trolley 11 having a battery storage unit and oil pressure storage unit (84a-b) which hose the means by which a trolley can raise and lower such that maximum raising height can more efficiently be achieved. C1. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the storage unit of Dinger to include a battery storage unit, as per the teachings of Ream, to increase operational efficiency

### ***Conclusion***

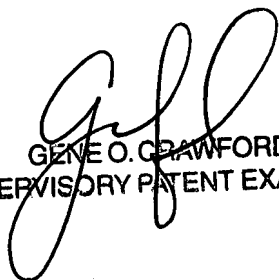
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene O. Crawford can be reached on (571) 272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA

  
GENE O. CRAWFORD  
SUPERVISORY PATENT EXAMINER